MORI DocID: 201663

Top Secret
No Foreign Dissem
[redacted]

Central Intelligence Bulletin

APPROVED FOR RELEASE
DATE: JUN 1 6 2000

[redacted]

Top Secret
300
C
April 20, 1974

MORI DocID: 201663

CHILE: The government has announced that trials of its most prominent leftist prisoners--including Allende regime cabinet officers and leftist party leaders--will get under way before the end of April. Trials of 64 defendants, mainly military men, that began this week will probably last at least a month. Verdicts and sentences will be handed down only after all individual trials are over. 1.5c

Defense attorneys have argued that the military tribunal before which their clients are being tried lacks jurisdiction. They claim that because the alleged offenses were committed prior to the military coup and the junta's declarations of states of siege and internal war, the trials should be conducted under peacetime provisions of the military justice code. Decisions of peacetime military tribunals may be appealed to the civil Supreme Court, but appeals from the judgments of wartime courts martial may be made only to higher military authorities.

Under a decree law issued soon after the coup, the government construes the military justice code to hold that the date of the initiation of judicial proceedings against a defendant, not the date of the alleged offense, determines jurisdiction. Moreover, military prosecutors at the current trials [redacted] have argued that an undeclared state of war existed before the coup.

The regime's prominent civilian prisoners probably will be brought before wartime courts martial and charged with pre-coup violations of the military justice code. Their defense attorneys undoubtedly will raise the jurisdictional issue, but they are unlikely to prevail. The junta is not easily swayed by arguments that the juridical measures it considers necessary and proper under what it sees as a continuing emergency situation do not measure up to internationally accepted standards. [redacted]